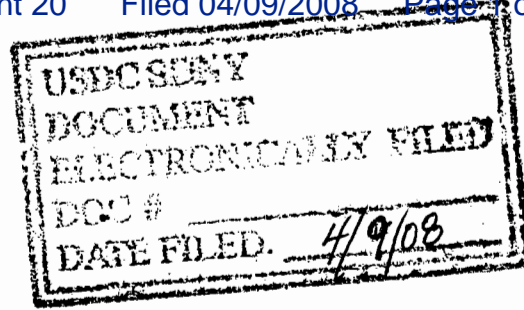


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
NEPHTY CRUZ, ET AL., :

Plaintiffs, :

-against- :

US HEALTH CLEAN, :

Defendant. :

-----X
KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

ORDER

07 Civ. 6392 (LTS)(KNF)

The defendant's counsel, David J. Clark, Esq., an attorney with the law firm of Epstein Becker & Green, P.C., made an application, pursuant to Local Civil Rule 1.4 of this court, that he be relieved of the obligation of continuing to represent the defendant in this action to avoid any prospect of running afoul of Canon 9 of the lawyers' Code of Professional Responsibility, which provides that "[a] lawyer should avoid even the appearance of professional impropriety." The application was prompted by information that came to the defendant's counsel recently that establishes that his law firm rendered legal services to the plaintiffs previously. After investigation, defendant's counsel determined that the prior professional relationship his law firm had with the plaintiffs makes it prudent for him to withdraw as counsel to the defendant in this action.

Based upon the written submissions made by counsel to the defendant, in support of the application and the discussion had with counsel to the respective parties during a telephonic conference on April 8, 2008, the application made by Mr. Clark, Docket Entry No. 15, is granted. Therefore, IT IS HEREBY ORDERED that: 1) on or before April 22, 2008, the defendant shall

engage new counsel to represent it in this action; and 2) the defendant's new counsel shall file a notice of appearance with the Clerk of Court expeditiously and provide a copy of that notice to counsel to the plaintiffs and to the chambers of the undersigned magistrate judge.

Dated: New York, New York
April 9, 2008

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE